

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

LENORE PRISCHMANN,

No. 07-10804

Debtor(s).

Memorandum re Plan Confirmation

Debtor Lenore Prischmann is well known to the court, having filed four previous bankruptcy case in the last eight years. She filed the Chapter 13 petition commencing this case on July 3, 2007. Her proposed plan is now before the court. Objections have been filed by the Chapter 13 trustee as well as secured creditors Thomas Reggiardo, West Coast Financial, Inc., and Heklena Galatola.

The plan is very simple. Prischmann proposes to pay \$100.00 per month to the trustee. She proposes to sell her house by January 31, 2008, and pay her creditors in full. In the meantime, her plan calls for no payments to the three objecting creditors, all of whom object for that reason. They are all secured by her residence at 328 Madrone Avenue, Larkspur, California, and accordingly protected from modification pursuant to § 1322(b)(2) of the Bankruptcy Code.

The plan is fatally defective because it does not provide for any postpetition payments to the objecting creditors. A plan which calls for no payments to mortgage holders until some future date is not confirmable because it creates postpetition defaults. *In re Proudfoot*, 144 B.R. 876, 878 (9th Cir.BAP 1992); *In re Gavia*, 24 B.R. 573, 575 (9th Cir. BAP 1982).

Accordingly, confirmation will be denied. The trustee shall submit an appropriate form of order.

Dated: October 15, 2007


Alan Jaroslovsky
U.S. Bankruptcy Judge